

RECEIVED
CENTRAL FAX CENTER

JAN 28 2008

REMARKS

Applicants expressly reserve the right to prosecute the nonelected species in a divisional application should it prove necessary to do so.

Regarding Applicants' traversal, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement altogether. According to the Examiner, restriction is justified because species A (silvery color) of *dependent* claim 17 and species B (transparent color) of *dependent* claim 18 lack the same or corresponding technical feature because species A is not present in species B and vice versa.

However, Applicants respectfully point out that *MPEP* §1850(II) specifically provides that "[u]nity of invention has to be considered in the first place *only in relation to the independent claims* in an international application and *not* the dependent claims." This same section further provides that "[i]f the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims." This same standard applies to national stage applications. *See, MPEP* § 1893.03(d).

In short, the Examiner's focus on dependent claims 17 and 18 in the first instance is completely improper.

Moreover, the Examiner's analysis fails to take into consideration that the second embodiment is the combination of a transparent pressure-sensitive adhesive + silvery-colored reflective layer. Such combination is conceptually more similar to the first embodiment

silvery colored pressure-sensitive adhesive than the Examiner indicated in designating the second embodiment merely as transparent.

Finally, Applicants point out that the fact that independent claim 16 is generic does not suggest that unity of invention is lacking. According to *MPEP* §1850(III)(B), the requirement of the same or corresponding technical interrelationship shall be considered to be met in the case of different species of a Markush grouping when the species are "of a similar nature." Further, they shall be regarded as being of a similar nature when the following criteria are met:

- "(A) All alternatives have a common property or activity; *and*
- (B)(1) A common structure is present, i.e., a significant structural element is shared by all of the alternatives; *or*
- (B)(2) In cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention belongs."

In the present case, both species A (silvery colored pressure-sensitive adhesive) and species B (transparent pressure-sensitive adhesive combined with a silvery-colored reflective layer) both perform as reflective pressure-sensitive adhesive layers. Further, they both share the common structure of layer pressure-sensitive adhesive. Consequently, unity of invention exists and this restriction requirement is improper.

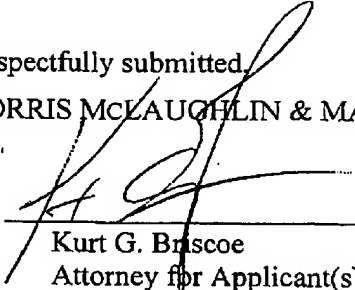
In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this restriction requirement.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By


Kurt G. Briscoe

Attorney for Applicant(s)

Reg. No. 33,141

875 Third Avenue - 18th Floor

New York, New York 10022

Phone: (212) 808-0700

Fax: (212) 808-0844

USSN 10/528,291

Response to Restriction Requirement

4